

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CYRUS ANDREW SULLIVAN,
Plaintiff,

Case No. 3:16-cv-1743-AC
ORDER TO SHOW CAUSE

v.

SCOTT ALLEN BREITENSTEIN,
Defendant.

ACOSTA, Magistrate Judge:

Plaintiff's complaint was filed on August 31, 2016. Pursuant to FED. R. CIV. P. 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the


failure, the court must extend the time for service for an appropriate period.” An unexecuted return of service was filed on December 7, 2016. Review of the file in this case reveals no further attempts to serve the defendant. Accordingly,

IT IS ORDERED, pursuant to LR 41.2, that plaintiff shall appear on Friday, January 27, 2017, at 10:00 a.m., in Courtroom 11B, to show cause why this case should not be dismissed for lack of service.

IT IS FURTHER ORDERED that plaintiff shall, not less than seven (7) days prior to the noticed hearing date, file a written statement setting forth the status of the action and whether good cause exists to dismiss for lack of service.

Plaintiff is advised that failure to show good cause will result in the dismissal of this case without prejudice.

DATED this 18th day of January, 2017.



JOHN V. ACOSTA
United States Magistrate Judge